

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR
APPROVAL OF A PROJECT UNDER CHAPTER 121A
OF THE GENERAL LAWS OF THE COMMONWEALTH
OF MASSACHUSETTS AND CHAPTER 652 OF THE
ACTS OF 1960 AND FOR CONSENT TO THE
FORMATION OF A LIMITED PARTNERSHIP TO BE
ORGANIZED UNDER THE PROVISIONS OF SAID
CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:30 p.m. on November 14, 1974, in Room 921, 1 City Hall Square, Boston, Massachusetts, by the Boston Redevelopment Authority (hereinafter called the "Authority") on the Application dated October 23, 1974, of Edward A. Fish and James F. Sullivan (hereinafter referred to as the "Applicants") pursuant to the provisions of the Massachusetts General Laws (Ter. Ed.) Chapter 121A, as heretofore amended ("Chapter 121A"), and the Rules and Regulations of the Authority, for authorization and approval of a Project to be rehabilitated, operated and maintained in accordance with the provisions of Chapter 121A, Chapter 652 and the Application and for the consent by the Authority to the formation of a Limited Partnership under the name Mercantile Wharf Associates ("Redeveloper" or "Limited Partnership") to be organized by the Applicants under Chapters 109 and 121A for the purpose of undertaking and carrying out the Project. Due notice of said hearing was given previously by publication on October 30 and November 6, 1974, in THE BOSTON HERALD AMERICAN, daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the BOSTON REDEVELOPMENT AUTHORITY RULES AND REGULATIONS FOR SECURING APPROVAL OF PROJECTS IN BOSTON UNDER CHAPTER 121A OF THE GENERAL LAWS AS AMENDED and in accordance

with the provisions of Section 13 of said Chapter 652. The following members of the Authority were present during the hearing:

**Messrs. Robert L. Farrell, Joseph J. Walsh,
James G. Colbert, Paul J. Burns and James K. Flaherty**

B. The Project. The Project consists of the planning, rehabilitation, maintenance, management and operation by the Redeveloper of a vacant granite block building of seven stories, to contain commercial space on the first floor and one hundred twenty-one (121) apartments on the upper floors on a parcel of land bounded by Cross, Richmond, Commercial and Mercantile Streets in the North End section of Boston, said parcel being shown on a plan attached as Exhibit B to the Application. The land is presently owned by the Boston Redevelopment Authority. The Project is to be financed through a mortgage loan obtained from the Massachusetts Housing Finance Agency. These premises are hereinafter referred to as the "Project area"). The following facilities are to be constructed within the rehabilitated structure:

1. The street level area of the building is to be devoted to retail and commercial space. The second through seventh stories will contain one hundred twenty-one (121) dwelling units consisting of fifteen (15) studio apartments, sixty-eight (68) one (1) bedroom apartments, thirty-two (32) two (2) bedroom apartments, and six (6) three (3) bedroom apartments.

The apurtenant facilities will include an atrium which rises through the entire height of the building from the street level, and a pedestrian mall in the interior of the building in the street level mall created by the atrium, with landscaping within that area.

(b) The building is out of repair, physically deteriorated and in need of major repair and maintenance;

(c) There has been a substantial change in the business and economic conditions in the area requiring a substantial modification of the building to a configuration suited for residential purposes;

(d) The Project Area consists of a building that should be preserved because of its aesthetic, architectural, historical and cultural significance. The rehabilitation of it and the conversion of it to uses now desirable and economically feasible while preserving the architectural heritage imposed burdensome restrictions upon it not feasible to accomplish without the aids provided by Chapter 121A.

2. Area Constitutes a Project.

The Project as described in the Application constitutes a "Project" within the meaning of said Chapter 121A since it provides for the rehabilitation of a decadent area into safe and sanitary housing and clean and attractive commercial and retail space. Redevelopment of this Project Area will help to improve the area and to encourage the conservation and improvement of existing buildings adjacent to the Project Area.

3. Cost of Project.

The cost of the Project has been estimated accurately thereby the Project appears feasible. The cost of the Project will be approximately four million seven hundred sixty-three (\$4,768,000) dollars. The cost will be financed in part by a Massachusetts Housing Finance Agency mortgage loan in an amount equal to ninety (90) percent of the Project cost, or approximately

\$4,286,799, with the balance to be provided by the limited partnership. The proposed general partners will advance all working capital required prior to construction up to the amount of the capital contributions of the limited partners. The Authority believes that the Redeveloper is well able financially to carry out the Project. The Authority requires as part of its approval that prior to completion of the construction of the Project that Mercantile Wharf Associates not dispose of its interest in the Project without first obtaining prior written approval from the Authority.

4. Consistency with Master Plan.

The Project does not conflict with the Master Plan of the City of Boston, for the locality in which the Project Area is situated.

5. Effect of the Project.

The Project will not be detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will constitute a public use and benefit. The structure to be rehabilitated is attractive, efficiently designed with ample light and air and appurtenant spaces; and will enhance the general appearance of the area while furnishing attractive and needed living accommodations and retail and commercial areas. The location proposed is excellent because of its ready access to public transportation, and convenience to the waterfront, financial and business districts and other residential areas.

The Project will involve a favorable environmental impact except for insignificant noise which may accompany construction, as is set forth hereinafter in detail.

The carrying out of the Project although it will involve alteration of an existing structure, it will not, in any way involve the displacement of any person from their present dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike. The carrying out of the Project will not require the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, or as a public or private hospital having more than twenty-five (25) beds, or as a church.

6. Minimum Standards.

The minimum standards for financing, construction, maintenance and management of the Project, all as set forth in Exhibit D, filed with and attached to the Application, are hereby adopted and imposed as rules and regulations applicable to this Project for the same period as the Project is subject to the provisions of said Chapter 121A and said Chapter 652.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicant, prior to obtaining a building permit, 1) enter into a regulatory agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18c and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; 2) submit to the Authority for its review and approval such plans and specifications for the project that the Authority may require, and accept such changes and modifications

thereto as the Authority may deem necessary or appropriate; and
3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

Additionally, the Authority requires the Applicant, to the fullest extent permitted by applicable law, to give special emphasis and consideration to applications for tenancy from persons of the immediate area, where it has been established that there is a need for such housing.

The Authority further requires that no less than 25% of all the units to be provided shall be for low income persons and/or families at rent levels equivalent to those being charged by the Boston Housing Authority for public housing tenants.

7. Deviations.

Exhibit E filed with and attached to the Application lists the deviations from the Boston Zoning Code, Building Code and Fire Laws on the total site in the aggregate. For the reasons set forth in the Application and supporting documents, including said Exhibit E, and in the evidence presented at the hearing and in this report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances, and regulations respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in

other Cities that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit E and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively.

BOSTON ZONING CODE.

The Project is located in an M-2 Zone District. Permission to deviate from the following provisions of the Boston Zoning Code is hereby granted:

a) Section 8-7, Use Item #7:

A multi-family dwelling such as is proposed is not an allowed use within the M-2 Zone District and would require a variance.

b) Section 23-7A:

The Code requires fifty-five (55) parking spaces and none are to be provided.

c) Section 24-1 requires one offstreet loading facility and none is to be provided.

D. Articles 18, 19, 20, 21:

Articles 18, 19, and 20 concern themselves with front, side and rear yards respectively and Article 21 concerns itself with setback of parapet. Based upon Section 13-3, it is felt that no relief is necessary from the provisions concerning yards or those concerning setback of parapet in the Boston Zoning Code. However to whatever extent relief may be necessary with regard to this existing structure, such relief as is required is hereby granted.

II HEALTH LAWS.

No permission is required.

III. FIRE LAWS.

No permission is required.

IV. BUILDING LAWS.

Permission to deviate from the following provisions of the Boston Building Code is hereby granted:

a) Section 221.2, Table 2.2 in a building of 3A construction, occupancy group L-2 (residential) has a limitation of four (4) stories and fifty (50) feet in height and fourteen thousand four hundred (14,400) square feet in area and occupancy group F-2 (restaurant) has a limit of two (2) stories, thirty(30) feet in height and three thousand six hundred (3,600) square feet in area.

b) Section 613.8.3.b show windows of the proposed commercial and retail space on the street floor lobbies serving as exit way passages shall have a maximum floor area of twenty-four (24) square feet and the window areas as described in the Application would require a variance.

c) Section 610.2.1, Table 6.3: The L-2 occupancy group allows only thirty (30) persons per egress unit and there will be four (4) fire stairs, forty-four (44) inches wide, of eight (8) egress units allowing for two hundred forty (240) people, and it is anticipated the residential population will be two hundred fifty (250) people.

d) Section 2006.2, 2006.3: The atrium skylight as designed exceeds the allowable unit and aggregate limitations, and would require a variance.

All other requested deviations as shown on Exhibit E of the Application were withdrawn from consideration at the time of hearing, and there is therefore no action to be taken with regard to those other deviations listed in the Application.

8. Environmental Considerations.

Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

(a) The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.

(b) No natural or man-made places are affected by the Project.

(c) The Project affects no archeological structure or site.

(d) The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.

(e) The Project Area is urban, and therefore, does not serve as a habitat for wild life.

(f) Being urban, the Project has no impact on any wilderness areas.

(g) The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.

(h) The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency. However, the Applicant has submitted an Environmental Impact Statement to the Massachusetts Housing Finance Agency, which must approve the Project.

(i) The Project does not involve the disposal of potentially hazardous materials.

(j) The Project does not involve the construction of facilities in a flood plain.

(k) The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise.

(l) The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

(m) The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

Therefore, the Authority concludes that the Project will not cause any environmental damage and, in its opinion, no further Reports need to be filed.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs; its Report and finding in accordance with the Authority's Rules and Regulations.

9. Additional Provision.

The Applicant will cooperate with other developers in C-2 Area in providing up to a maximum of two hundred (200) offstreet parking spaces for use in common with such other developers.

